

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

RICKY DUDLEY, *individually and on behalf of
all others similarly situated*,

Plaintiff,

v.

CHRISTIAN W.E. HAUB, *et al.*,

Defendants.

Civ. No. 2:11-cv-05196 (WJM)

ORDER

THIS MATTER comes before the Court on a motion to dismiss filed by Christian W. E. Haub (“Haub”), Eric Claus (“Claus”), Brenda M. Galgano (“Galgano”), Ronald Marshall (“Marshall”), Samuel Martin (“Martin”), and Frederic Brace (“Brace”) (the “A&P Defendants”), and a motion to dismiss filed by The Yucaipa Companies LLC (“Yucaipa”) and Ronald Burkle (“Burkle”) (the “Yucaipa Defendants”); for the reasons set forth in the accompanying opinion; and for good cause appearing;

IT IS on this 30th day of April 2013, hereby,

ORDERED that the A&P Defendants’ motion to dismiss is **GRANTED** in part, and **DENIED** in part; and it is further

ORDERED that the A&P Defendants’ motion to dismiss is **DENIED** with respect to Defendants Claus, Galgano, Haub, and Brace; and it is further

ORDERED that the A&P Defendants’ motion to dismiss is **GRANTED** with respect to Defendants Marshall and Martin; and it is further

ORDERED that the claims against Defendants Marshall and Martin are
DISMISSED WITH PREJUDICE; and it is further

ORDERED that the Yucaipa Defendants' motion to dismiss is **GRANTED**; and
it is further

ORDERED that the claims against the Yucaipa Defendants are **DISMISSED**
WITH PREJUDICE.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.